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Counsel for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, *et al.*, individually and
on behalf of all similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF STEPHEN A.
BROOME IN SUPPORT OF GOOGLE
LLC'S OPPOSITION TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO SET
HEARING DATE ON PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION
(DKT. 609) AND OTHER PENDING
MOTIONS**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Stephen A. Broome, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I submit
4 this declaration in support of Google’s Opposition to Plaintiffs’ Administrative Motion to Set
5 Hearing Date on Plaintiffs’ Motion for Class Certification (Dkt. 609) and Other Pending Motions. I
6 make this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness,
7 I could and would testify competently thereto.

8 2. I met and conferred with Plaintiffs’ counsel regarding whether a schedule was possible
9 so that the motions currently set for hearing on September 27, 2022 (Dkts. 703, 705) (the “September
10 27 Motions”) could be advanced and combined with the motions currently set for hearing on
11 September 20, 2022 (Dkts. 609, 662-64) (the “September 20 Motions”). Part of the agreement would
12 have required Plaintiffs to file their additional motions by August 19, 2022, but agreement on a
13 stipulation was not reached and Plaintiffs’ filed their *Daubert* motion (Dkt. 703) and motion to strike
14 (Dkt. 705) on August 23, 2022. Attached hereto as **Exhibit 1** is a true and correct copy of an email
15 that Plaintiffs’ counsel sent me on August 15, 2022, attaching a draft scheduling stipulation.

16 3. Google has always been prepared to proceed with Plaintiffs’ motion for class
17 certification (Dkt. 609) and Google’s three *Daubert* motions (Dkts. 662-64) on September 20, 2022.

18 4. Google also agreed not to oppose proceeding with Plaintiffs’ *Daubert* motion and
19 motion to strike on September 27, 2022, even though lead counsel Andrew Schapiro is unavailable
20 on that date due to a Jewish holiday, because someone other than Mr. Schapiro can argue the
21 September 27 Motions. Google never agreed that the September 20 Motions could proceed on
22 September 27, 2022, or vice versa.

23 5. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript
24 of the August 26, 2022 hearing in the related *Calhoun* matter.

25 6. There is not enough time to fully brief the September 27 Motions in advance of the
26 September 20, 2022 hearing date and given Mr. Schapiro’s unavailability on September 27, 2022,
27 moving the September 20 Motions to September 27, 2022 does not work for Google’s lead counsel.
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1 October 4, 2022 also does not work for Google's lead counsel or other key Google counsel (including
2 me).

3 7. Google offered Tuesday, October 11 or Tuesday, October 25 for a hearing on all
4 motions. Plaintiffs did not indicate – and have never indicated – that they are unavailable on either of
5 those days. Plaintiffs nevertheless rejected that offer, insisting that the hearing occur on a Friday in
6 September.

7 8. In an effort to accommodate Plaintiffs' demand, Google canvassed its team for
8 availability. However, multiple key team members (including those that will be arguing one or more
9 of the motions) are not available on the two Friday dates Plaintiffs proposed (September 23 and
10 September 30).

11 I declare under penalty of perjury of the laws of the United States that the foregoing is true and
12 correct. Executed in Los Angeles, California on August 30, 2022.

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15 By /s/ Stephen A. Broome
16 Stephen A. Broome
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